

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVIN OMAR HARPER,

Plaintiff,

v.

ORDER

SGT. TERRENCE JUDD, ANTHONY REED,
ROBERT FISHER, JOE NIESL, LT. ROBYN
LODEN, and SGT. LOHMAN-PETERSON,

20-cv-592-jdp

Defendants.

Pro se plaintiff Kevin Omar Harper is proceeding on claims that prison staff at Columbia Correctional Institution sexually harassed him, failed to protect him from harm, and retaliated against him. Harper has filed a motion requesting that the court issue subpoenas to several non-defendants that have information relevant to his claims. Dkt. 35. Harper says that he needs the information to clarify discovery responses from defendant Judd and to obtain information about an investigation that non-party Captain Pitzen conducted on Harper's PREA complaint.

I will deny Harper's motion without prejudice. Harper says that he wants to serve interrogatories and document requests on several non-parties. But interrogatories may only be served on parties. *See* Fed. R. Civ. P. 33. And Harper has not identified any specific document that he intends to request from the non-parties that he could not obtain directly from defendants. In addition, defendants' counsel has agreed to accept additional discovery requests for interrogatories or production of documents for defendant Judd. Counsel also has agreed to produce any specific, relevant documents not in the possession of or drafted by Judd. Dkt. 37.

Harper should first attempt to obtain the information and documents that he seeks

from defendants' counsel. If defendants do not produce the documents that Harper needs, he may renew his motion for a subpoena by identifying the specific documents he wants to request from the non-parties, why those documents are relevant to his claims, and the efforts he has made to obtain the documents from defendants' counsel.

ORDER

IT IS ORDERED that plaintiff Kevin Omar Harper's motion for a subpoena duces tecum, Dkt. 35, is DENIED without prejudice.

Entered June 8, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge